

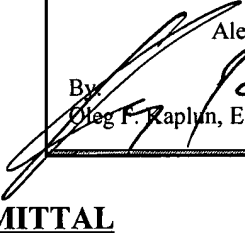


[40129/03401 - 798A]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Beach et al.  
Serial No. : 10/033,861  
Filing Date : December 27, 2001  
For : Voice and Data Wireless Communications Network and Method  
Group Art Unit : 2661  
Examiner : Ricardo M. Pizarro

Mail Stop: Petitions  
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Alexandria, VA 22313-1450

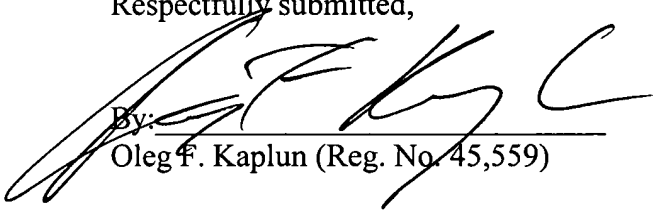
<b><u>Certificate of Mailing</u></b>	
I hereby certify that this correspondence is being deposited with U.S. Postal Services as first class mail in an envelope addressed to:	
Mail Stop: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
By: 	Dated: June 7, 2005
Oleg F. Kaplun, Esq. (Reg. No. 45,559)	

**TRANSMITTAL**

Transmitted herewith please find a Petition for Revival of Unintentionally Abandoned Application, an Amendment in response to a Non-Final Office Action mailed on November 2, 2004, an executed Power of Attorney, and a Change of Correspondence Address for filing in the above-identified application. Enclosed please also find a check in the amount of \$1,500.00.

Respectfully submitted,

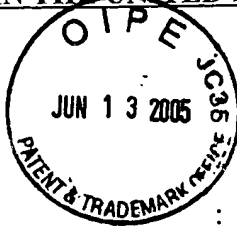
Dated: June 7, 2005

By:   
Oleg F. Kaplun (Reg. No. 45,559)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**PETITION FOR REVIVAL OF UNINTENTIONALLY  
ABANDONED APPLICATION**

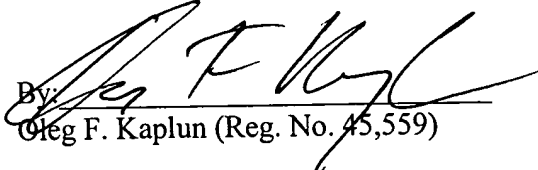
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the USPTO. The date of abandonment is the day after the expiration of the period set for reply to the Office Action, plus any extensions of time actually obtained.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION.

The entire delay in filing the required reply, from the due date for the required reply to the filing of a grantable petition under 37 C.F.R. § 1.137(b), was unintentional.

A favorable decision on this petition is respectfully requested.

Dated: June 7, 2005

By:   
Greg F. Kaplun (Reg. No. 45,559)

06/15/2005 MBERHE 00000071 10033861

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Group Art Unit : 2661  
Examiner : Ricardo M. Pizarro

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

In response to the Non-Final Office Action mailed November 2, 2004 in the above-identified application, please enter the following amendments and consider the following remarks:

## IN THE CLAIMS

1 - 23. (Canceled)

24. (Currently amended) An access point that provides voice and data communications for use in a wireless local area network having a plurality of mobile units, ~~at least one of said mobile units being voice-capable~~, said access point being configured to:

receive signals carrying communications packets directed to particular mobile units;

prioritize said communications packets for transmission based on:

whether ~~[[each]]~~ a current packet is ~~directed to a voice-capable mobile unit~~ a voice communication packet;

the total number of packets transmitted to each mobile unit; and

the order in which the packets were received by the access point.

25. (Currently amended) A method for providing voice and data communications for use in a wireless local area network having an access point and a plurality of mobile units, ~~at least one of the mobile units being voice-capable~~, comprising:

receiving signals at the access point which carry communications packets directed to particular mobile units;

prioritizing said received communications packets for transmission based on:

whether ~~[[each]]~~ a current packet is ~~directed to a voice-capable mobile unit~~ a voice communication packet;

the total number of packets transmitted to each mobile unit; and

the order in which the packets were received by the access point.

26. (Currently amended) A transmitter for use in a carrier sense multiple access communications system, said transmitter being configured to:

receive signals carrying communications packets directed to particular receiver units;

prioritize said communications packets for transmission based on:

whether a current packet is a voice communication packet;

the total number of packets transmitted to each receiver unit; and  
the order in which the packets were received by the transmitter;

use a contention window of a first duration for transmitting packets that are for voice communications; and

use [[a]] another contention window of a second duration that is different from said first duration for transmitting other packets.

27. (Original) The transmitter of claim 26, wherein the first duration is shorter than the second duration.

28. (Original) The transmitter of claim 26, wherein said transmitter is an access point of said communications system.

29. (Original) The transmitter of claim 26, wherein said transmitter is a remote terminal in said communications system.

30. (Canceled)

31. (Canceled)

32. (Currently amended) A method for transmitting packets for use in a carrier sense multiple access communications systems, comprising:

receiving signals which carry communications packets directed to particular receiver units;

prioritizing said communications packets for transmission based on:

whether a current packet is a voice communication packet;

the total number of packets transmitted to each mobile unit; and

the order in which the packets were received by the access point;

using a contention window of a first duration for transmitting packets that are for voice

communications; and

using [[a]] another contention window of a second duration that is different from said first duration for transmitting other packets.

33. (Original) The method of claim 32, wherein the first duration is shorter than the second duration.

34. (Currently amended) The method of claim 32, wherein using [[a]] said contention window of a first duration and using [[a]] said another contention window of a second duration are performed at an access point in said communications system.

35. (Original) The method of claim 32, wherein using a contention window of a first duration and using a contention window of a second duration are performed at a mobile unit in communications system.

36. (Canceled)

37. (Canceled)

38. (New) A method, comprising:

determining a priority level of each of a plurality of packets based on priority information in each data packet;

arranging the packets in a transmission queue from a highest priority level to a lowest priority level; and

wirelessly transmitting the packets over a communications medium, wherein packets having the highest priority level are transmitted prior to packets having the lowest priority level.

39. (New) A method, comprising:

selecting one of a plurality of transmission queues including at least one packet, the selection being based on at least one previous selection of another one of the transmission queues and a highest priority packet in each of the transmission queues, wherein each of the transmission queues corresponds to a destination to which the at least one packet is addressed; and transmitting the highest priority packet from the selected transmission queue.

40. (New) A method, comprising:

selecting a packet from a transmission queue for transmission, wherein the packet is one of at least two packet types;

determining whether a communications medium is busy;

selecting, when the communications medium is busy, one of a first time duration when the packet is a first type and a second time duration when the packet is a second type; and

transmitting the packet after one of the first time duration when the packet is the first type and the second time duration when the packet is the second type.

## **REMARKS**

### **I. INTRODUCTION**

Claims 30, 31, 36 and 37 have been canceled. Claims 38-40 have been added. Thus, claims 24-29, 32-35 and 38-40 are now pending in this application. Claims 24-26, 32 and 34 have been amended. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE OBJECTIONS TO THE CLAIMS SHOULD BE WITHDRAWN**

The Examiner has objected to claims 24-37 due to certain informalities. Claims 24-26, 32 and 34 have been amended to correct the informalities. Claims 30, 31, 36 and 37 have been cancelled. Therefore, it is respectfully requested that the objections to claims 24-29 and 32-35 be withdrawn.

### **III. THE 35 U.S.C. § 102 REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claims 26-37 under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 5,329,531 to Diepstraten et al. ("the Diepstraten patent"). (See 11/2/04 Office Action, p. 2).

In the Office Action, the Examiner indicated that independent claims 24 and 25 would be allowable if rewritten to overcome the objection thereto. Applicants have amended claims 24 and 25 accordingly. The limitations of the amended claims 24 and 25 are incorporated into independent claims 26 and 32, respectively. Therefore, based on the Examiner's remarks with respect to claims 24 and 25, Applicants respectfully submit that, as amended, independent claims 26 and 32 are also allowable. Because claims 27-29 and 33-35 depend from, and, therefore



include all of the limitations of claims 26 and 32 respectively, it is respectfully submitted that these claims are also allowable.

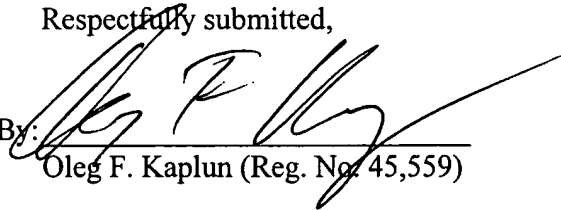
## CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: June 7, 2005

By:



Oleg F. Kaplun (Reg. No. 45,559)

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**POWER OF ATTORNEY**

Assignee hereby appoints attorneys associated with the Customer No. 30636 to prosecute U.S. patent application entitled **"Voice and Data Wireless Communication Network and Method"** which was filed on **December 27, 2001** and assigned Serial No. **10/033,861**, as its attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. All previous Power of Attorneys are hereby revoked.

Please address all communications regarding this application to:

Customer No. 30636  
Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038

Please direct all telephone calls to Oleg F. Kaplun at (212) 619-6000 Ext. 203 or via email at OKalpun@FKMiplaw.com.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

**SYMBOL TECHNOLOGIES, INC.**

Dated: 12 May 05

By: Aaron Bernstein

Name: Aaron Bernstein, Esq.

Title: VP- Intellectual Property